

Revision of Coproduct Regulations

Solid Waste Advisory Committee
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Coproduct Determinations: Presentation Overview

1. The current Coproduct Determination regulation
2. Recognized issues with the current regulation
3. Summary of proposed amendments



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Current Coproduct Determination Regulation

The Coproduct Determination rule provides a self-implementing avenue for beneficial reuse of certain materials generated during a manufacturing process as a substitute for an intentionally manufactured product or produced raw material through land application or energy recovery.



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Current Coproduct Determination Regulation

The Coproduct Determination regulation consists of the definition of *coproduct* in [25 Pa. Code 287.1](#) and the rules applicable to performing a Coproduct determination in [§ 287.8](#).

Coproduct regulations – Recognized issues

The definition of coproduct in 287.1 contains elements which would be more appropriately covered under the Coproduct Determination in 287.8.

Coproduct regulations – Recognized issues

Since adoption of the latest amendments to the Department's coproduct regulations in 2000, the Department has identified some recurring issues with implementation Including:

- Situations where a proposed coproduct is compared to a product or produced raw material for purposes of demonstrating consistency with hazardous or toxic constituents but fails to perform its intended use.
- Situations where the product or produced raw material, or that a particular waste stream, is not able to achieve consistency in its chemical and physical characterization because the process by which the waste is generated is not consistent. Further, the use of the waste as a coproduct presents negative impacts, such as damaging infrastructure, or harming livestock or fauna, or posing a risk as a result of discharges to surface waters.
- Situations where entities have attempted to use the coproduct determination as a means of circumventing the existing Management of Fill Policy (Document No. 258-2182-773).

Coproduct regulations – Recognized issues

Since the Coproduct Determination is self-implementing, there is a lack of reliable data relating to materials managed as coproducts.

Proposed Amendments

The definition in 287.1 will be pared down to a description of what a coproduct is, while qualifiers and restrictions will be moved to 287.8.



Proposed Amendments

These regulatory amendments are intended to shore up the existing regulations by ensuring that as part a coproduct determination:

- The consistency of the process by which the coproduct is generated is considered and adequately demonstrated.
- The efficacy of a coproduct for a particular use as well as the legitimacy of the materials management mechanism is evaluated and sufficiently documented.
- The coproduct is not compared to clean fill.



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Proposed Amendments

In order to get a better understanding of where, what, and how much material is being managed as coproducts, a notification requirement will be added to the Coproduct Determination regulation.



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